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[SF 468](#) – Stalking (LSB2036SV)

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Fiscal Note Version – New

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### **Description**

[Senate File 468](#) expands the definition of stalking and applies penalties.

### **Background**

This Bill expands the definition of course of conduct in relation to stalking to include situations where a technological device is repeatedly used to locate, listen to, or watch a person without a legitimate purpose. The Bill also states that someone commits stalking when the person:

- Engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened.
- Engages in a course of conduct that would cause a reasonable person to fear bodily injury or death of that person or a member of their immediate family.
- Have knowledge or should have knowledge that a reasonable person would feel terrorized, frightened, intimidated, threatened, or have fear of bodily injury or death to that person or a member of their immediate family.

Senate File 468 eliminates a current element of stalking requiring the offender's course of conduct to actually induce fear in the victim of bodily injury to, or death of, the victim or the victim's family members.

A violation of Iowa Code section [708.11](#) can be either an aggravated misdemeanor punishable by no more than two years of confinement and a fine of at least \$625 but no more than \$6,250, or a Class C felony punishable by no more than 10 years of confinement and a fine of at least \$1,000 but no more than \$10,000.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- 50.0% of charges under Iowa Code section [708.11](#) that were dismissed in FY 2016 would become convictions under this Bill.

### **Impact**

#### **Correctional Impact**

There will be additional convictions under this Bill, and it is estimated that the prison population could increase by 11 offenders by FY 2020. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for convictions of Class D felonies and aggravated misdemeanors against persons. Refer to the

LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

**Table 1 – Sentencing Estimates and LOS**

	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Class D Felony (Persons)	79.0%	16.6	\$18.51	10.5	52.0%	31.9	\$4.59	7.0%	\$10.28	33.0%	N/A	\$15.00
Aggravated Misd (Persons)	47.0%	8.7	\$18.51	6.5	71.0%	20.1	\$4.59	4.0%	\$10.28	56.0%	N/A	\$15.00

### Minority Impact

This Bill would have a minority impact to the African-American community. In FY 2016, 10.4% of the persons convicted of stalking were African-American. The U.S. Census estimate as of July 1, 2015, states that the Iowa population was 3.5% African-American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

### Fiscal Impact

Due to the lag time of six months before entry of the affected offenders into the correctional system, the full affect would not be experienced until FY 2019. During FY 2019, it is estimated that there would be 14 additional Class D felony convictions and seven additional aggravated misdemeanor convictions. This could result in an estimated additional 14 admissions to prison, 13 additional placements on probation status, one additional admission to CBC residential facilities, and nine additional admissions to local jail facilities. **Table 2** below shows the estimated costs to the General Fund from the Bill.

**Table 2 – Estimated Costs**

<u>Offense</u>	<u>Cost Range</u>	<u>Conviction Increase</u>		<u>Cost Increase Estimate</u>	
		<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2019</u>
Class D Felony	\$6,300 - \$12,300	7	14	\$77,280	\$154,560
Aggravated Misdemeanor	\$3,100 - \$7,000	4	7	\$19,732	\$34,531
Net Change		11	21	\$97,012	\$189,091

### Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning  
 Department of Corrections  
 Office of the State Court Administrator  
 Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.